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## REVERSAL OF SHERIFF'S ORDER DISMISSING KELLETT EXPECTED

Hearing Ends After Commis-  
sion Has Asked for Argument  
on Modification of Jar-  
rett's Action

### DEPUTY SMITH ASSAILS CHARGE OF 'CONSPIRACY'

Declares That He Took Investi-  
gation Into His Own Hands  
and Told Others to  
Keep Out

"The commission after considera-  
tion finds that by its rules and regu-  
lations it must either affirm, modify  
or disaffirm the action of the sheriff.  
The commission would like to hear at  
this time any arguments from counsel  
on the question of modification." —  
CHAIRMAN WIRTZ, at the close of  
the John R. Kellett hearing before  
the civil service commission late yester-  
day afternoon.

If the decision of the civil service  
commission can be predicted on the  
basis of the above quotation, Sheriff  
Jarrett's dismissal of former Detective  
Kellett will be reversed and, possibly  
after some suspension, Kellett  
will be reinstated. After hearing E.  
C. Peters, the discharged detective's  
attorney, complete argument in  
which he dealt specifically and gen-  
erally with the charges against  
his client, and after the closing argu-  
ment of Deputy Attorney-general  
Smith, which also was awarded much  
praise, the commissioners filed out of  
the senate chamber for a few min-  
utes' deliberation, and returning,  
Chairman Wirtz made the above state-  
ment.

A short discussion followed, the at-  
torneys replying to the question put  
to them by the commission, and then  
the hearing came to an end. Chair-  
man Wirtz announced that the deci-  
sion of the commission will be made  
known tomorrow evening at 7:30 in  
the chamber of the supervisors, mu-  
nicipal building.

Replying to the question on modifi-  
cation of the action of the sheriff,  
Smith rose and said:  
"This involves the entire question  
of the right of the commission to  
"butt in," so to speak, at all. But it  
seems to me now, inasmuch as we  
have submitted to this hearing, that  
the sheriff should not interfere. If  
the commission has any power, it has  
power to modify."

Chairman Wirtz asked:  
"Do you then believe that by com-  
ing before the commission all objec-  
tions to its jurisdiction are waived?"  
"I think so," replied the deputy at-  
torney-general.

"There has been no differences be-  
tween counsel," remarked Peters, "and  
the power of the commission. We  
have come here on appeal. We have  
not joined those who have sniffed at  
the powers of the commission."

No More Long Hearings Likely  
With that the history-making case-  
history-making for the commission, at  
least—came to its end. It promises to  
be the only hearing of its kind that  
will ever be held before the commis-  
sion, for Chairman Wirtz has already  
announced that the rules and regula-  
tions will be amended to alter the  
procedure to the end that an appeal  
may be heard and disposed of within  
an hour or two.

It has been many days since an ar-  
gument, such as the one made by  
Peters, has been heard. For two  
hours and a half he spoke, his ad-  
dress divided between the morning  
and afternoon sessions. With con-  
summate skill, he marshalled his  
facts, made his points, not alone re-  
viewing the case generally, or bring-  
ing out the so-called conspiracy in-  
cident to it, he took the charges up in  
order and one by one they were dis-  
posed of. In the brutality cases, he  
did not merely show his reasons for  
discrediting the testimony adduced  
from witnesses called to support them,  
but gave attention to the affirmative  
matter he had ready to present, which  
he said would not only set off the evi-  
dence of the sheriff's witnesses but  
would overthrow it. On each charge  
he named the witnesses he had ready  
to call and gave a synopsis of what  
they would testify.

Regarding the ring which Kellett  
admitted having worn, he said in  
part:

"We will show that Mackaye, Mc-  
Duffie and the boys of the station  
had known for a long time that Kel-  
lett was wearing it, but in grasping  
for a straw to get something somehow  
against my client, this ring business  
is brought up. When I took the case  
I told Kellett to put it back. You,  
Mr. Chairman, would not wear a  
trinket I left with you. But the fact  
is that this man does not look at it  
as you do. But is there anything crimi-  
nal about that. It is absurd."

Again he took up the statement  
made by Smith which was that when-  
ever a case of brutality had been  
brought to the attention of the sher-  
iff, the guilty officer had been sum-  
marily discharged. He said it was  
not his purpose to discredit the sher-  
iff, but that as the statement had  
been made he felt he should show  
that it was not correct. He then cited  
the cases of Officers Perry and Siz-  
more, who have admitted beating  
prisoners.

He remained for some time in argu-  
ment on the embelzlement charges.  
He read the statement made by De-  
tective Swaden in which it was said

that he and Detective Apana had  
"framed it" to catch Kellett taking  
evidence money. According to the  
statement, at each raid Apana showed  
Swaden the amount of money he had  
taken—but Swaden did not show  
Apana the sum he had gathered.  
This money was turned over to Kel-  
lett. The matter of proof of such a  
charge, under such conditions, was  
impossible, he said. He volunteered  
to bring any number of reputable per-  
sons before the commission who  
would state that they would not be-  
lieve Apana under oath. And as for  
the veracity of Swaden—he said he  
"got his number" when Swaden told  
him that if his mother stood in the  
place of Kellett he would have acted  
as he did.

Smith Makes Strong Argument.  
Smith's arguments, both the open-  
ing and rebutting, were exceedingly  
good. Comments on the skill he dis-  
played in presenting his case were  
heard in the senate chamber when  
he concluded. A great deal of credit,  
it is felt, is due him for his industry  
and fairness in working up and pre-  
senting the case.

As to "Conspiracy."  
Contrary to the statements publish-  
ed this morning, the commission has  
not "emphatically announced that it  
placed no credence in the sensational  
charges of conspiracy." The commis-  
sion has been in all propriety care-  
ful not to announce a prejudgment  
on the case. What did happen was  
this:

Deputy Smith, in his closing argu-  
ments on rebuttal, started to refer to  
Attorney Peters' charges of conspir-  
acy against Kellett in the police de-  
partment and by some persons out of  
it. He hesitated just a moment, in-  
dicating that he did not wish to take  
up too much time on this point but  
that he wished to answer the charges  
fully.

Chairman Wirtz said, "Would  
it be Mr. Smith, if the commis-  
sion should say that we are not  
considering the charges of 'conspi-  
racy'?"

"It might expedite matters," re-  
plied Smith. "However, I think I will  
go into it somewhat."  
The commission thus has made no  
announcement of its attitude, though  
it might easily be deduced that it  
does not believe a conspiracy case  
has been made out.

Big Charge Did Not Materialize.

The most significant thing in the  
entire hearing, from the standpoint  
of the spectators who followed it, is  
that the much-heralded proofs of an  
alliance between the heads of the de-  
tective department and the gambling  
element have not been brought out  
at all. Moreover, these charges, after  
having been given great promi-  
nence in the morning paper, did not  
materialize at the hearing at all, and  
Attorney Smith, after sitting his facts  
down, went to the trial of Kellett  
only upon minor charges of brutality,  
taking evidence money and wearing  
a ring that was held by the police  
department.

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With Izzy in San Francisco, a lively

musical comedy show replete with  
novelty features. The plot tells the  
troubles of Izzy and his German  
friend and they wind up in the fa-  
mous Midway cafe in San Francisco  
in the third act. It is New Year's  
Eve and the interior of this cafe is  
shown in detail, the entire company  
taking part in showing a realistic cafe  
scene on New Year's Eve.  
All the latest cabaret features will  
be introduced featuring the famous  
tango dance and the Texas Tommy.  
Izzy of course will be there and will

furnish fun and amusement.  
Arrangements have been made for  
extra seating capacity at the Bijou as  
the advance sale has been heavy for  
this production.  
Among the musical numbers of  
Izzy and the interior of this cafe is  
shown in detail, the entire company  
taking part in showing a realistic cafe  
scene on New Year's Eve.

Del Estes and chicks, and Frank Har-  
rington will sing "Ragtime Ragtime"  
Band. Geo. Archer will render "At  
That I Ask in Love," and a big city  
feature will be sung by Miss De-  
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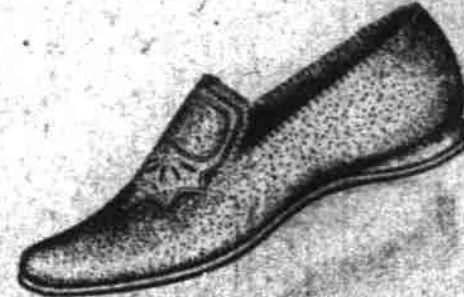
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6x6	2.00	6x6	2.75	6x6	5.00	6x9	5.00
6x8	2.50	6x8	3.25	6x8	6.50	8x10	7.50
8x8	3.25	8x8	4.25	8x8	8.00	9x12	9.50
8x10	4.00	8x10	5.00	8x10	9.50	No. 1500—3x6	1.50
8x12	4.75	8x12	6.50	8x12	10.00	6x9	5.25
9x12	5.00	9x12	7.00	9x12	11.00	8x10	7.50
10x10	5.50	10x10	7.75	10x10	12.50	9x12	9.50
10x12	6.25	10x12	9.00	10x12	14.50		
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